

JAMES A. KRIDEL, JR. GEOFFREY ORLANDI•

OF COUNSEL: HON. PETER F. BOGGIA

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 CERTIFIED CIVIL & CRIMINAL TRIAL ATTORNEY OF NJ August 11, 2010

VIA EMAIL: chambers of ms@njb.uscourts.gov Honorable Morris Stern, U.S.B.J. Newark Bankruptcy Court 50 Walnut Street Newark, New Jersey 07102

Re: Debtors: Giuseppe Giudice & Teresa Giudice Chapter 7 Case No. 09-39032-MS

Dear Judge Stern:

Please accept the within as a more detailed position of the undersigned with respect to the timely filed objection to the Trustee's Notice of Sale of the Debtors' personalty set down for a hearing on the objection on August 16, 2010 and a proposed sale date of August 22, 2010.

Although the debtors could object to the valuations of their property as set forth by Alan Atkins of A. Atkins Appraisal Corp. for purposes of the within I will concede the values as per the attached appraisal.

The total value of the appraisal is **\$51,160.00**, which in it of itself I respectfully believe is fully exempt as follows:

11 U.S.C. 522(d)(3) $$11,525.00 \times 2 = $23,050.00 \text{ furnishings};$

11 U.S.C. 522(d)(4) \$1,460.00 x 2 = \$2,920.00 jewelry;

11 U.S.C. 522(d)(5) $$11,975.00 \times 2 = $23,950.00$ any property;

11 U.S.C. 522(d)(6) \$2,175.00 = \$2,175.00 tools;

Total Exemptions: \$52,095.00

Therefore even if no adjustments were made as hereinafter set

Notwithstanding the foregoing, Mr. Sywilok has conceded that the children's property valued at \$3,025.00 should be excluded. The debtors have attached receipts showing property with the total value of \$6,995.00 as per the attached spreadsheet and receipts. Therefore, the proffered value pursuant to Section 544 of the Estate is \$51,160.00 - \$3,025.00 - \$6,995.00 = \$41,140.00, which leaves the debtors \$10,955.00 of unused exemptions. I respectfully therefore submit that the debtors federal exemptions exceed the personalty as valued by the Trustee and therefore a sale would be impinging upon their right to keep same pursuant to 11 U.S.C. 522, et. seq. The individual limitation of \$550.00 per item in 11 U.S.C. 522(d)(3) is, it is respectfully submitted, trumped by the wild card of 11 U.S.C. 522(d)(5).

It is also respectfully submitted that the Trustee is seeking a preclusion of discharge and/or dismissal of the bankruptcy case which would in effect deny the debtors of the benefits of bankruptcy while subjecting them to the burdens of same.

Since there is a pending adversarial proceeding by the Trustee as well as others by third-parties, I would respectfully ask that the sale be indefinitely adjourned for that reason only; however, I believe that, the exemptions would preclude a sale.

Would Your Honor accept a joint call from both myself and John Sywilok, Esq., tomorrow regarding the above?

Respectfully submitted,

James A. Kridel, Jr., Esq.

JAK/ag

Cc: John W. Sywilok, Esq., via facsimile, w/enclosure

Teresa and Joe Giudice, via e-mail

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SO-71769

12/17/2008



Customer Contact Ship To Giudice Giudice Giudice Joe Giudice Joe Giudice Joe Giudice 6 Indian Lane 6 Indian Lane 6 Indian Lane TOWACO, NJ 07082 TOWACO, NJ 07082 TOWACO, NJ 07082 Tel: (973) 768 - 5841 UNITED STATES UNITED STATES Tel: (973) 768 - 5841 Tel: (973) 768 - 5841 Account Due Date Account Rep Schedule Date Terms 9737685841 CERTIFIED FUNDS / NO CASH 12/17/2008 Jamee Nesta 1/14/2009 Page Ouotation PO # Reference Ship VIA Printed Emin Golev Inc. SQ-73698 Litem Description Order Ship Price UM Discount Amount Parsippany Display Models 2 Prescott Prescott \$2,700.00 EA \$2,700.00 3 95795 DIS GT-54" 2N 1 SAVANNAH BS/ASM/43 BM \$1,300.00 EA \$1,300.00 \$0.00 EA 4 95795 DIS GT-54" 2N 1 SAVANNAH BS/ASM/43 BM \$0.00 5 96387 DIS GC-KIT-SAVANNAH/BLKL/ASM/43 BM \$0.00 EA \$0.00 696388 DIS GC-SAVANNAH BS/ASM/43 BM \$0.00 EA \$0.00 7 96389 DIS GC-SAVANNAH BKT/BLKL/ASM/43 BM \$0.00 EA \$0.00 8 irPOOLTABLE Install Pool Table \$0.00 EA \$0.00 \$0.00 EA 9 IR-GAMECHAIR Install Game Chair \$0.00 10 IR-GAMETABLE \$0.00 EA Install Game Table \$0.00 11 CLOTITBLK8 CLOTH, CHAMP, Titan, 8'Cut, Black \$0.00 EA \$0.00 12 94213 DIS BA-72" SAVANNAH/ASM/43BM \$1,050.00 EA \$1,050.00 13 94028 DIS BA-STERLING BACKED BAR 43BM \$274.89 EA \$274.89 14 95298 \$234.75 EA DIS BS-30"SAVANNAH/BLKL/ASM/43BM \$469.50 15 + 5000.º raxable I agree balance is to be paid 3 days print someduled install date. If full payment is not received, installati \$5,794.39 will be re-scheduled until balance is paid in full. Warranty and Area Preparation have been explained to \$405.61 Total Tax 1154 \$2,000.00 Exempt \$0.00 No Exception Total \$6,200.00 Paid \$2,000.00 \$4,200.00 Balance Dep. Avail \$2,000.00

Customer Signature:

"You the buyer may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction." No deposit will be refunded and no work other than specified will be denerunless notified in writing within 72 hours of the above date. Time of delivery is not of the essence. Balance must be paid by certified check or cash prior to installation.

Credit Card #

Customer Name:

Exp. Date

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DEPOSIT (50%

BALANCE

(CERTIFIED CHECK

OR CASH ONLY)

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jr.

674 Wyckoff Avenue WYCKOFF, NEW JERSEY 07481 Mon. - Sat. 10 A.M. - 6 P.M.

(201) 891-4950 FAX (201) 891-4922

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(201) 891-4950

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FAX (201) 891-4922

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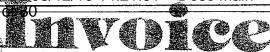
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Document Page 11 of 30

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674 Wyckoff Avenue WYCKOFF, NEW JERSEY 07481 Mon. - Sat. 10 A.M. 6 P.M.

> (201) 891-4950 FAX (201) 891-4922

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DELIVER

TO:

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674 Wyckoff Avenue WYCKOFF, NEW JERSEY 07481 Mon. - Sat. 10 A.M. - 6 P.M.

(201) 891-4950 FAX (201) 891-4922

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SPECIAL INSTRUCTIONS DELIVERY SLIP NO. CUSTOMER NO. 19 Route 22 East, Greenbrook, N.J. 08812 732-98877700 • Fax 732-968-3035 DATE SHIPPED SHIP TO	3/09	
JANTITY DESCRIPTION	NO OF CARTONS	TOTAL
- Vanily-		
		
ATT. I J M		
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O.D. MUST BE IN CASH OR CERTIFIED CHECK CHECKED BY DATE SIGNATURE	N GOOD CONDITION AND IS I	O MY SATESFACTION

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URNITURE SOURCE INTERIORS 19 Route 22 East, Greenbrook, N.J. 08812 732-968-7700 Fax 732-968-3035 EXECUTE 10 10 10 10 10 10 10 10 10 10 10 10 10	SPECIAL INSTRUCTIONS	DELIVERY SLIP NO CUSTOMER NO		-
YTITMAI	DESCRIPTION		NO OF CARTONS	TOTAL
2 Hood Chairs				
5 pc. Wall unit	<u> </u>			
B7	7: JIM			
O.D. MUST BE IN CASH OR CERTIFIED CHECKE CHECKER CHECKE	23/10 DATE	I LINDERSTAND THATALL MERCHANDISE RECEIVED IS SIGNATURE	OF ZI DNA KORTIDKOD DODO NI	INY SATISFACTION

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SHIP TO		
ANTITY DESCRIPTION	NO OF CARTONS	TOTAL
- Wall link		
and Matieral	+	
2 Stone Tep From Joy en Table (+ 7		
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2 1000d Chan		
	 	
· · · · · · · · · · · · · · · · · · ·		
Pd. Bal \$8.726m (2 Chicks)		
O.D. MUST BE IN CASH OR CERTIFIED CHECK CHECKED BY DATE, JUNDERSTAND THATALL MERCHANDISERECEIVED IS	IN GOOD CONDITION AND IS	O MY SATISFACTION
O.D. \$ III SIGNATURE		

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URNITURE SOURCE INTERIORS 19 Route 22 East, Greenbrook, N.J. 08812 732-968-7700 Fax 732-968-3035 AD TO Judice	SPECIAL INSTRUCTIONS SHIP	DELIVERY CUSTOMER NO. DATE SHIPPED TO		2	
IANTITY	DESCRIPTION		, , , , , , , , , , , , , , , , , , ,	NO OF CARTONS	TOTAL
2 Vases					
ATT.		1			
O.D. \$ CHECK	ED BY DATE	SIGNATURE	LL MERCHANDISE RECEIVED IS IN GO	STOKE KOLLIDHID OOK	TO MY SATISFACTION



Case 09-39032-MS Filed 08/12/10 Entered 08/12/10 14:21:51 Desc Main Doc 102 DELIVERY SLIP 50. SPECIAL INSTRUCTIONS CUSTOMER NO. INTERIORS SOURCE 309 Route 22 East, Greenbrook, N.J. 08812 DATE SHIPPED 732-968-7700 • Fax 732-968-3035 SHIP TO SOLD TO NO OF CARTONS TOTAL DESCRIPTION QUANTITY LUNDERSTAND THA FALL MERCHANDISE RESERVED IS IN GOOD CONDITION AND IS TO MY SATISFAC DATE SIGNATURE

IVANKA'S

674 Wyckoff Avenue WYCKOFF, NEW JERSEY 07481 Mon. - Sat. 10 A.M. - 6 P.M.

SOLD TO:

(201) 891-4950 FAX (201) 891-4922



Thank You

7460

DELIVER TO:

	973-5	<u> </u>	3888	cell	973	-768-C	745			-
SALESI	PERSON CASH	CHARGE	C.O.D.	ORDER NUMBER	ADD ON	REOPEN NEW ACCT.	TERMS			4
Сту	STOCKIND	y Mina		DES(JRIZ MONE		ONFER	icie le	1014	
1			Clock				109	99	109	99
	7-9705		Ovall	ox ulli	d *				119	99
	7-1033	7	GOH	8×10-f	rane				179	99
-1	7-9655		Hora	1 Charz	fer			*	569	99
2	4-10287		Bitter	aupFlor	al An	ants ,	119	99	239	98
12	7-	17	Gold	Finials	\	บ	59	99	119	98
	7-008		Lich	ead jav	tall		119	99		
<u>H</u> _	7=		Lian	hoad je	w Sho	4	99	99		
1	7-		Leopa	and Box	<u> </u>		229	99		
2			C/ho	der to	a11		159	99	319	98
12			c/ho	older s			139	99	279	98
54			Vanil	la can	dies		23	99	95	96
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				Delive	ery					
DELIVERY	INSTRUCTIONS:		24	***	\		MERCHAN TOTAL	DISE		
	. •	4					SALES T	AX		
	^						TOTAL		<	
						\	DOWN	1		
No Landa	returns, credits or e	xchanges after : Not respo	days. Special on the days. Special of the days.	orders are not return al fabric wear and tea	able, refundable sr.	or cancellable.	BALANO DUE	E		1
RECEIVE	DIN GOOD CONDITION B	Y :	C	DATE:	DELIVERED BY:			DAT	E:	:

Case 09-39032-MS Doc 102 Filed 08/12/10 Entered 08/12/10 14:21:51 Desc Main Page 23 of 3 Document IVANKA'S 674 Wyckoff Avenue WYCKOFF, NEW JERSEY 07481 Mon. →Satr 10 A.M. - 6 P.M. (201) 891-4950 FAX (201) 891-4922 DELIVER SOLD TO: $\overline{\infty}$ 2hrs OÓ Delivery -SALES TAX TOTAL DOWN PAYMENT No returns, credits or exchanges after 3 days. Special orders are not returnable, refundable or cancellable. Not responsible for normal fabric wear and tear. BALANCE DUE RECEIVED IN GOOD CONDITION BY: DELIVERED BY: **DUPLICATE** Thank You



Morris Hills Shoping Center Rte. 46 Parsippany, NJ 07054 973-299-7943

46 - FURNITURE 46 - FURNITURE	167349 056882	539.00 T 269.00 T
SUBTOTAL NJ 7.000% Sales Ta TOTAL PERSONAL AUTH# 196385 01/09/10 19:51:49		\$808.00 \$56.56 \$864.56 \$864.56
REFERENCE # 33	10336	



ITEMS 2 0101 0147 01 0046 01/09/10 19:56:41

1086

THANK YOU FOR SHOPPING AT HOMEGOODS

REFUNDS WITHIN 30 DAYS WITH RECEIPT Store Credit Only With Gift Receipt Other restrictions may apply









Case 09-3903		Document Page	Intered 08/12/10 14: 26 of 30	
haan	Item	Truste	es Appinix	petition items
		V	mal	patition items
Kitchen			405	PCITION.
NICHEH	Table & Chairs	800	V	
	Television	450		
	Counter Stools	150		
	Television	50		
	General	300		
	Chandelier	300		
	Sconces	200		
	Refrigerator Unit	0		
	Water Dispenser	75		
	Wall Clock	15		
9-10-5000-0-10-0-10-0-1-0-0-1-0-0-1-0-0-1-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0	Table & Chairs	50		
	Appliances	225		
	Window Treatments		500	
	Gas Range	3000	300	
Pantry/Laundry	Washer/Dryer	600		
r arrery, caunary	Miscellaneous	100		
	Lamp	75		
	Foyer 2 tables	,3	300	
	Candlesticks		80	
Foyer Area	Rug	80	00	
10,017,100	Urns	•	100	
	Chair		75	
	Torchere		50	
	Telescope	75	50	
	Chandelier	500		
	Lot		75	
Dining Room	Lot		100	
Back Foyer	Credenza		135	
•	Seating Group		800	
	Portrait	0		
	Sconces	300		
Great Room	Piano	2000		
	Sectional Sofa		500	·
	Sofas	800		
	Table	200		
	Chairs		450	
	Table		75	
	Table		125	
	Television	600		
	Torchere		50	
	Mirror		300	
	Painting		100	
	Fireplace Accessories	5	200	
	Stand	35		
	Urn	100		

	Panels		150
	Chandelier	500	
	Sconces	300	
	Lot	25	
Family Room	Sofa	325	
	Ottomans	150	
	Wall Unit		350
	Television	500	
	Table		225
	Mirror		65
	Torchere	70	
	Rug	225	
	Accessories		250
Children's Play	Television	0	
	Keyboard	0	
	Chairs	0	
	Lot	0	
Exercise Room	Chest	200	
	Chest	250	
	Mirror	60	
	Mirror	30	
	Equipment	100	
	Storage Footlocker	10	
	Table	50	
	Containers	25	
Master bedroom		1200	
	Television	450	
	Mirror	500	
	Vanity		175
	Lamp	35	
	Loveseat		225
	Chairs		100
	Rug	150	
	Cradle	75	
	Trunk	50	
	Lamps	40	
	Chandelier	200	
	Plaque		40
	Rugs	100	
	Ottoman	75	
	Mirror	80	
	Lot	50	
Powder Room	Mirror	60	
	Chandelier	75	
	Settee	20	
	Mirror		25
	Sconces	120	

Baby's Room	Metal Crib	0	
	Changing Table	0	
	Two Drawer Stand	0	
	Pink Chair	0	
	Blanket/Hope Chest	0	
	Rocker	0	
	Armoire/Cabinet	0	
	Rug-Rose Design	0	
Girl's Bedroom	High Back Bed	0	
	Mirrored Armoire		
	Dresser Oval Mirror	0	
	Nightstand	0 .	e e meno e e e e e e e e e e e e e e e e e e
	Night Table	0	
	Table Lamp	0	
Upstairs Foyer	Paintings		1200
	Mirror		175
	Portrait	0	
	Lamp	50	
	Sconces	100	
Bath	Vanity	150	
	Mirror	225	
Girl's Bedroom	High Back Bed	0	
	Mirrored Armoire	0	
	Dresser w/Oval Mirror	0	
	Nightstand	0	
	Night Table	0	
	Table Lamp	0	
Girl's Bedroom	Bedroom Set	0	
	Dresser	0	
	Area Rug	0	
	Chairs	0	
	Chandelier	0	
Game Room	Pool Table	800	
	Seating Group	450	
	Game	250	
	Table/Chair set	225	
	Chess Set	75	
	Television	500	
	Bar	450	
	Cooler	150	
	Game Set	600	
	Poster	25	
	Credenza	70	
	Lot	100	
	Theater	75	
	Lamp	125	
	Mirror	125	

	Lot	50
Office	Single Wood desk	300
	Credenza w/Hutch	
	Metal Swivel Chair	
	Area Rug	
	Dell GX520	150
	Canon MF4150	
Jewelry	Men's Watch	15
	Ladies Wedding Band	150
	Men's Wedding Band	240
	Costume Jewelry	750
Bath	Mirror	60
Garage	Freezer	150
_	Refrigerator	100
	3 Tier Metal Rack	20
	Group of tools	500
	Grill	50
	Bikes	150
	Christmas Décor	40
	Children's Toys	0
	Double Stroller	50
	Master Training Bag	65
	Cart Hot dog	150
	Golf Bag	100
Wine Room	Wine Making Equipment	1200
Outdoor Area	Concrete Benches	120
	Concrete Flower Urns	40
	Rack	40
	Mat	50
	Statue	20
	Stools	30
	Bistro-Set	20
	Bistro-Set	10
	Patio Table Set	100
	LPG Grill	75
	Patio Table Set	100
	Patio Table Set	300
	Fire Pit	20
	Storage Sheds	400
	Garden Tools	2500
	Go-Carts w/Gas engines	0
	All Terrain Vehicle	0
	Tires	200
	Boat w/Trailer 2004	7500
	Snow Plow	1500
	Snow Plow	300
	3 47 1 1044	500

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